

# Notice of Allowability

Application No.

10/628,997

Examiner

Gary Mui

Applicant(s)

JAIN ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/28/03.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Greenberg on May 18, 2007.

The application has been amended as follows:

### **ABSTRACT**

In the abstract, line 1, "the disclosure describes a method of" has been replaced with --a method is provided for--.

In the abstract, line 6, "=" has been deleted.

### **SPECIFICATION**

On page 11, line 12, "T" has been deleted.

### **CLAIMS**

Claim 16, line 3 --computer executable-- is inserted before the word "instructions".

Claim 17, line 1 --computer executable-- is inserted before the word "instructions".

Claim 20, line 1 --computer executable-- is inserted before the word "instructions".

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Claim 21, line 1 --computer executable-- is inserted before the word "instructions".

Claim 22, line 1 --computer executable-- is inserted before the word "instructions".

Claim 24, line 1 --computer executable-- is inserted before the word "instructions".

### *Allowable Subject Matter*

2. Claims 1 – 33 are allowed.

3. The following is an examiner's statement of reasons for allowance:

Claims 1, 10, 16, 25, and 32 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose incrementing the first portion independently of the second portion based on a packet; determining if the incrementing of the first portion caused a designated bit of the first portion to be set; and if it is determined that the incrementing of the first portion caused the designated bit to be set; incrementing the value stored by the second portion; and resetting the designated bit within the first portion. It is noted that the closest prior art, Mimura et al. (US 7,020,085 B2) shows a packet switch acquires statistics of the data flowing like counting the number of packets received and the bytes received. However, Mimura et al. fails to disclose or render obvious the above underlined limitations as claimed.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Toubol et al. (US 5,668,798), Kantabutra et al. (US 7,016,932), Mimura et al. (US 2001/0021176) and Regev et al. (US 2007/0005878) are cited to show network statistics.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Mui whose telephone number is (571) 270-1420. The examiner can normally be reached on Mon. - Thurs. 9 - 3 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GM

05.18.2007

  
RICKY Q. NGO  
SUPERVISORY PATENT EXAMINER